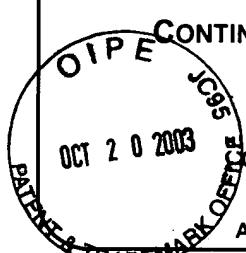


OCT 26 2003

PTO/SB/30 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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 <p>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</p> <p>Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>	<i>10/20/03</i>	Application Number	09/939,253
		Filing Date	August 24, 2001
		First Named Inventor	James M. Derderian
		Art Unit	2826
		Examiner Name	A. Williams
		Attorney Docket Number	2269-4830US (01-0106.00/US)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1.	Submission required under 37 C.F.R. 1.114		
a.	<input type="checkbox"/> Previously submitted <ul style="list-style-type: none"> i. <input type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered). ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____ iii. <input type="checkbox"/> Other _____ 		
b.	Enclosed	i. <input checked="" type="checkbox"/> Amendment/Reply iii. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS) ii. <input type="checkbox"/> Affidavit(s)/Declaration(s) iv. <input type="checkbox"/> Other _____	
2.	Miscellaneous		
a.	<input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)		
b.	<input type="checkbox"/> Other _____		
3.	Fees	The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.	
a.	<input checked="" type="checkbox"/> The Director is hereby authorized to charge <u>any deficiency in</u> the following fees, or credit any overpayments, to Deposit Account No. <u>20-1469</u> <ul style="list-style-type: none"> i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. 1.17(e) ii. <input type="checkbox"/> Extension of time fee (37 C.F.R. 1.136 and 1.17) iii. <input type="checkbox"/> Other _____ 		
b.	<input checked="" type="checkbox"/> Check in the amount of <u>\$770.00</u> enclosed		
c.	<input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Brick G. Power	Registration No. (Attorney/Agent)	38,581
Signature		Date	10/20/03

CERTIFICATE OF MAILINGExpress Mail Label Number: EV326922314USDate of Deposit: 10/20/03Person Making Deposit: Christopher Haughton

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/23/2003 AWONDAF1 00000136 09939253

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James M. Derderian

Serial No.: 09/939,253

Filed: August 24, 2001

For: SEMICONDUCTOR DEVICES AND
SEMICONDUCTOR DEVICE
ASSEMBLIES INCLUDING A
NONCONFLUENT SPACER LAYER
(amended)

Confirmation No.: 2189

Examiner: A. Williams

Group Art Unit: 2826

Attorney Docket No.: 2269-4830US
(01-0106.00/US)

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EV326922314US

Date of Deposit with USPS: 10/20/03

Person making Deposit: Christopher Haughton

AMENDMENT

ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment is being filed in response to the Final Office Action mailed on August 20, 2003, the three-month shortened statutory period for response to which expires on November 20, 2003. This Amendment is being submitted within two months of the mailing date of the Final Office Action, and is filed concurrently with a Request for Continued Examination.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper; and

Remarks start at page 12 of this paper.